

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LIZABETH J. AUGUSTINE,

Plaintiff,

- against -

AXA FINANCIAL, INC. d/b/a
AXA EQUITABLE LIFE INSURANCE CO.

Defendant.
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ECF CASE

Case No. 07 Civ. 8362 (RWS)(DFE)

DECLARATION OF
LISA DeROCHE

Lisa DeRoche, pursuant to 28 U.S.C. § 1746, declares:

1. This declaration is based on my personal knowledge and I am fully familiar with the facts and circumstances set forth herein.
2. I am the Human Resources Relationship Manager for the Customer Marketing Group of Defendant AXA Equitable ("AXA").
3. On May 31, 2006 I sent an e-mail to AXA Executive Vice President Barbara Goodstein with attached announcement to all employees concerning the restructuring of the then Marketing & Product Development Group into the Customer Marketing Group. As stated therein, pursuant to this restructuring, Jeanne O'Connor ("O'Connor") became the head of the Customer Retention & Cross-Sales Department of the Customer Marketing Group. Plaintiff was a member of O'Connor's team. O'Connor herself reported to Senior Vice President JC Dennis, head of the Customer Marketing Group. A copy of my May 31 email and attached announcement is attached hereto as Exhibit A.

4. In June 2006, I reached out to Plaintiff to suggest to her that she reapply for FMLA leave. I told Plaintiff that AXA had no record that she was currently approved for FMLA leave, which could expose her to disciplinary action based on her attendance record and she should promptly reapply for FMLA leave.

5. On December 14, 2006, Plaintiff sent me an e-mail stating that she had FMLA forms to bring to me for my review and asking me when I would have 15 minutes to review them. A copy of this e-mail is attached hereto as Exhibit B.

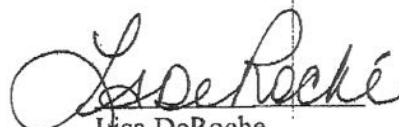
6. On December 20, 2006, Plaintiff sent me an e-mail stating, "I would like to meet with you for 10 minutes anyday [sic] this week – I am not in on Friday. I will then give you all the forms – just need to clarify hours to work section with you." A copy of this e-mail is attached hereto as Exhibit C.

7. Plaintiff submitted a Request for Family Medical Leave Form dated December 14, 2006 to me. A copy of this form is attached hereto as Exhibit D.

8. On January 31, 2007, Jeanne O'Connor and I met with Plaintiff and informed her that her employment was being terminated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 16, 2008


Lisa DeRoche